

STATE OF MICHIGAN
COURT OF APPEALS

In re Arbitration of Thomas J. Alt.

THOMAS J. ALT and ALT DAIRY FARMS,

Plaintiffs-Appellants,

v

RURAL COMMUNITY INSURANCE SERVICES,
f/k/a NATIONAL AG UNDERWRITERS,

Defendant-Appellee.

UNPUBLISHED
September 3, 1999

No. 208897
Kent Circuit Court
LC No. 96-006814 CK

Before: Markman, P.J., and Saad and P. D. Houk*, JJ.

PER CURIAM.

Appellants Thomas J. Alt and Alt Dairy Farms appeal as of right from the circuit court's order denying their application to correct an arbitration award, and granting the motion filed by National Ag Underwriters (Rural Community Insurance Services, a/k/a RCIS) to confirm the award. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Alt grows apples in Kent County. In 1993 he purchased a crop insurance policy from RCIS. After hail damaged his crop in September, 1993, Alt submitted a claim for benefits. RCIS denied the claim on the ground that Alt had not provided the required documentation. After Alt supplied additional documentation RCIS reviewed the claim a second time, and again denied it.

Alt filed a claim with the American Arbitration Association. The parties filed extensive briefs relating to the adequacy of the documentation provided by Alt and the effect of the failure to insure twenty-five insurable acres. The arbitrator denied Alt's claim.

Alt filed an application to correct the arbitration award in circuit court. The application was based on MCR 3.602(K)(1)(a), which provides that an arbitration award may be modified or

* Circuit judge, sitting on the Court of Appeals by assignment.

corrected if “there is an evident miscalculation of figures or an evident mistake in the description of a person, a thing, or property referred to in the award” Alt contended that when the insured acreage figure was increased from one hundred acres, the number actually insured, to one hundred twenty-five acres, the number that should have been insured, benefits totaling \$56,164.15 were due under the policy. RCIS moved to confirm the arbitration award pursuant to MCR 3.602(I). The circuit court denied Alt’s application and granted RCIS’s motion to confirm the award, noting that the claim had been denied on the ground that Alt had failed to furnish required documentation. The circuit court found no evident miscalculation of figures, and concluded that the issue of the inclusion of the additional twenty-five acres was irrelevant.

Judicial review of an arbitration award is limited. A circuit court can confirm the award, vacate the award if it was obtained through fraud, duress, or other undue means, or modify or correct errors apparent on the face of the award. MCR 3.602; *Gordon Sel-Way, Inc v Spence Bros, Inc*, 438 Mich 488, 495; 475 NW2d 704 (1991); *Dohanyos v Detrex Corp (After Remand)*, 217 Mich App 171, 174-175; 550 NW2d 608 (1996).

Alt argues that the circuit court erred by granting RCIS’s motion to confirm the arbitration award. We disagree and affirm. MCR 3.602(K)(1)(a) is inapplicable to the instant case. That rule is intended to apply under circumstances in which an error was made in tallying figures. The arbitrator made no such error in this case. Alt’s claim was denied because he did not provide the type of production records required by RCIS to substantiate his loss. The circuit court correctly denied Alt’s application brought pursuant to MCR 3.602(K)(1)(a), and correctly granted RCIS’s motion to confirm the award. Judicial review does not go to the merits of the arbitration award. *Dohanyos, supra*, 177-178.

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk